


BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2001-501-T - ORDER NO. 2002-259

APRIL 4, 2002

IN RE:	Application of Fred Litteral d/b/a Midlands	)	ORDER GRANTING
	Specialty Services, 7575 Irmo Drive,	)	CLASS E CERTIFICATE
	Columbia, SC 29212 for a Class E Certificate	)	
	of Public Convenience and Necessity.	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Fred Litteral DBA Midlands Specialty Services (Midlands or the Applicant), 7575 Irmo Drive, Columbia, South Carolina 29212, for a Class E Certificate of Public Convenience and Necessity to transport household goods between points and places in Richland, Lexington, and Fairfield Counties, South Carolina.

The Commission's Executive Director instructed Midlands to publish a Notice of Filing in a newspaper of general circulation in the service area desired. The Notice of Filing instructed the public as to how to file pleadings to participate in the proceedings on the Application. No Petitions to Intervene or Protests were received.

A hearing on the Application of Midlands Specialty Services was held on March 27, 2002 at 2:30 PM in the offices of the Commission, with the Honorable William Saunders, Chairman, presiding. The Applicant was represented by John J. Pringle, Jr., Esquire. The Applicant presented the testimony of Fred Litteral. The Commission Staff

was represented by F. David Butler, General Counsel. The Commission Staff presented no witnesses.

Fred Litteral testified in support of his Application. Litteral stated that he had been in the business for six years. He started by taking down waterbeds. He progressed into packing and moving grandfather clocks, various appliances, and pianos. Litteral testified that he has developed a niche market for his expertise in the movement of these specialty items, which many moving companies cannot perform successfully. He states that oftentimes, while preparing to move specialty items, he will receive a request to move the contents of an entire house or apartment, which is why he is seeking the authority to transport household goods between points and places in Richland, Lexington, and Fairfield Counties.

Litteral states that he has two panel vans and one 20 foot moving truck. His personnel consist of himself and two other people. Litteral has an 1100 foot storage facility on Woodrow Drive in Irmo, and another storage facility on Harbison Boulevard. Litteral carries liability insurance, cargo insurance, and has a separate bond as well. No civil judgments are on file against the company.

Litteral testified that there are large demands in Richland, Lexington, and Fairfield Counties for his services. Litteral noted that he had performed illegal moves of household goods in the past, but that this was before he was informed that he needed authority from this Commission in order to carry out this function.

S.C. Code Ann. Section 58-23-590(C )(Supp. 2001) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the

applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the Commission's regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity.

Upon consideration of this matter, we find that the Applicant has demonstrated that it is fit, willing, and able to perform the services sought by the Application. The testimony of Mr. Litteral reveals that the company is fit, willing, and able under the standards articulated in 26 S.C. Regs. 103-133. Further, we find that the testimony of Mr. Litteral indicates that the proposed service is required by the present public convenience and necessity. (We have waived in prior orders the shipper witness requirement of the regulation when the Applicant seeks authority between points and places in three contiguous counties, such as in the case at bar. Accordingly, we grant the same waiver in the present case.)

Based upon the record before the Commission and the statutory requirements along with the guidelines contained in the Commission's regulations, we find sufficient evidence to grant the Application and therefore grant authority to the Applicant in the form of a Class E Certificate of Public Convenience and Necessity for the movement of household goods as defined in R. 103-210(1) between points and places in Richland, Lexington, and Fairfield Counties. The grant of authority is contingent upon compliance with all Commission regulations as outlined below. However, we would caution the Applicant to operate within the scope of authority granted by this Order. The movement of household goods outside the scope of the authority granted by this Order will subject

the Applicant to possible criminal charges and penalties. Of course, the Applicant may perform his specialty services as per his prior arrangements.

IT IS THEREFORE ORDERED THAT:

1. The Application of Fred Litteral DBA Midlands Specialty Services for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved for authority to transport household goods between points and places in Richland, Lexington, and Fairfield Counties.

2. Fred Litteral DBA Midlands Specialty Services shall file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, a Certificate shall be issued to Grand Strand Moving & Storage, LLC authorizing the motor carrier services granted herein.

4. Prior to compliance with the above referenced requirements and receipt of a Certificate, the motor carrier services authorized herein may not be provided.

APRIL 4, 2002

PAGE 5

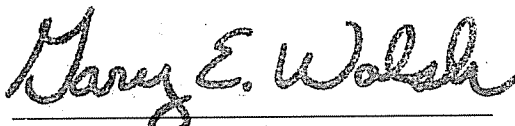
---

5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)